

TRANSLATION**PATENT COOPERATION TREATY****PCT****INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY**

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 2003DE140	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP2004/013945	International filing date (<i>day/month/year</i>) 08.12.2004	Priority date (<i>day/month/year</i>) 12.12.2003
International Patent Classification (IPC) or national classification and IPC C09B67/22		
Applicant CLARIANT PRODUKTE (DEUTSCHLAND) GMBH		

1.	This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.	
2.	This REPORT consists of a total of <u>6</u> sheets, including this cover sheet.	
3.	This report is also accompanied by ANNEXES, comprising: a. <input checked="" type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of <u>2</u> sheets, as follows: <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input checked="" type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).	
4.	This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input checked="" type="checkbox"/> Box No. VII Certain defects in the international application <input checked="" type="checkbox"/> Box No. VIII Certain observations on the international application	

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/013945

Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-31 as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* 1-8 received by this Authority on 13.09.2005 with letter of 12.09.2005
- nos.* _____ received by this Authority on _____
- ☐ the drawings:
- sheets _____ as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/013945

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1.	Statement		
	Novelty (N)	Claims <u>1-8</u>	YES
		Claims _____	NO
	Inventive step (IS)	Claims <u>1-8</u>	YES
		Claims _____	NO
	Industrial applicability (IA)	Claims <u>1-8</u>	YES
		Claims _____	NO
2.	Citations and explanations (Rule 70.7)		
	This report makes reference to the following documents:		
	D1: Derwent Database WPI, AN=1998-393679 [34] &		
	D1a: JP-A-10 158 555 (original Japanese document) &		
	D1b: D1a translation by JPO online service		
	D2: GB-A-2 364 322		
	D3: EP-A-1 316 588		
	D4: WO-A-02/064680		
	D5: JP-A-45 011 026		
	<u>1. Novelty</u>		
	1.1 Claim 1 is novel over D1-D5.		
	<u>2. Inventive step:</u>		
	D2 is regarded as the closest prior art. It is the only document in which pigment yellow 74 is the preferred pigment used (D2, page 5, paragraph 2) and a monoazoacetoacetoanilide compound bearing a sulphonic acid group is added as "pigment dispersant" or auxiliary pigmentary substance (D2, page 4, table, compounds A, B, C). Ink jet inks, in particular, are pigmented therewith.		
	The difference between D2 and the present claim 1 lies in		

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/013945

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	<p>the component that bears the sulphonic acid group: said SO₃H group is found, in the D2 dispersants (which represent a P.Y. 74 derivative), in the acetoacetoanilide coupling group.</p> <p>The objective problem addressed can therefore be considered to be that of providing pigment yellow 74 preparations with specific dispersants for <u>use</u> in ink jet inks.</p> <p>The subject matter of claim 1 solves this problem.</p> <p>D2 would basically prompt a person skilled in the art to use compounds based on pigment yellow 74 as dispersants, and to likewise bind the SO₃H group to the coupler component. D2 contains no definite indication of the specific dispersants as per claim 1. An inventive step can therefore be acknowledged in the subject matter of claim 1. This is also true of claims 2-8.</p>

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/013945

Box No. VII **Certain defects in the international application**

The following defects in the form or contents of the international application have been noted:

Contrary to PCT Rule 5.1(a)(ii), the description does not cite documents D1-D4 or indicate the relevant prior art disclosed therein.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/013945

Box No. VIII **Certain observations on the international application**

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

The description is not in line with the subject matter in the claims.